

# Court of Appeals, State of Michigan

## ORDER

April Lynn DeBusschere v Jesse Nance

Docket No. 261262

LC No. 02-007108-DC

Bill Schuette  
Presiding Judge

William C. Whitbeck  
Chief Judge

Donald S. Owens  
Judge

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The Court orders that the motion for immediate consideration is GRANTED.

In lieu of granting the application for leave to appeal, and pursuant to MCR 7.205(D)(2), the Court orders that the Bay Circuit Court's February 16, 2005 ex parte order is VACATED IN PART and REMANDED IN PART for further proceedings. We VACATE that portion of the trial court's order that rescinded a February 26, 2004 order granting the plaintiff's motion to change the child's domicile to Indiana. We find no legal or factual basis for the rescission. The February 26, 2004 order is REINSTATED and its provisions control in the event the plaintiff moves with the minor child to Indiana. As to that portion of the order that resumed the defendant's unsupervised parenting time, we REMAND to the trial court for a redetermination of the plaintiff's motion to suspend unsupervised parenting time, including comprehensive findings of fact and conclusions of law as mandated by MCR 3.210(D)(1). We further order that the STAY previously ordered by this Court on March 11, 2005 shall remain in effect until remand proceedings are concluded, at which time it shall be within the discretion of the trial court to lift the stay or otherwise modify its terms. MCR 7.209(D).

We retain no further jurisdiction.

  
Presiding Judge



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

APR - 6 2005  
Date

  
Chief Clerk